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Attorneys for Defendant Member Source Media, LLC

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

ASIS INTERNET SERVICES, a California
corporation,

Plaintiff,

vs.

MEMBER SOURCE MEDIA, LLC, et al.,

Defendants.

CASE NO. CV-08-1321-EMC

**DECLARATION OF CHRIS SOMMER
IN SUPPORT OF MEMBER SOURCE
MEDIA, LLC'S MOTION FOR
SECURITY FOR COSTS INCLUDING
ATTORNEYS' FEES**

Date: June 11, 2008
Time: 10:30 AM
Cttrm: C, 15th Floor

I, Chris Sommer, declare as follows:

1. I am the founder and owner of Defendant Member Source Media, LLC ("Member Source"). Unless otherwise stated, I have personal knowledge of the facts stated herein.

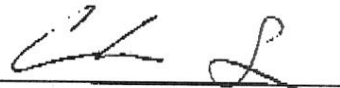
2. Member Source is an Internet marketing company, which assists clients such as Blockbuster, Discover Card, and Columbia House in the online promotion of their goods and services.

1 3. These advertisements are delivered to consumers through the use of
2 banner ads, incentive offers, and lawful email advertisements.

3 4. Member Source does not send the vast majority of the emails promoting
4 its clients' goods and services. Rather, Member Source enters into arms length
5 contracts with affiliate networks to send out these emails, providing the networks with
6 the creative material to be included in the emails.

7 5. As part of these contracts, the affiliate networks warrant that they will
8 adhere to the law, including the requirements of CAN-SPAM, in their performance under
9 the contract.

10 I declare under penalty of perjury of the laws of the United States that the
11 foregoing is true and correct and that this Declaration was executed on May 5, 2008,
12 at San Francisco, California.

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Chris Sommer

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